A Bill to amend the Cochin Municipal Regulation.

Mr. K. Achyuta Menon.—Sir, I beg to move that the Bill to amend the Cochin Municipal Regulation XI of 1096 be read in Council.

Mr. T. K. Krishna Menon.—I second it.

Mr. K. Achyuta Menon.—The object of the amending Bill is to remove certain defects in the present Regulation.

President.—What is the defect?

Mr. K. Achyuta Menon.—The Regulation provides two years as the term of the elected Council. The rules framed under the Regulation say that the term of an elected member shall begin and expire on the 1st of Vrischigam. A question arose as to whether, if an election was held after the 1st of Vrischigam, the term would end on 1st Vrischigam, although two years have not elapsed. The Regulation allows the member to sit for two years. But the rules say the term must expire by 1st Vrischigam. In the British enactment this rule forms part of the Act itself. For some reason or other, they were introduced into our Regulation by way of rules. Even then the main section provides two years' term in order that there may be uniformity. The new sections exist now but for two additions, namely, in clause II (2, 3 and 4)of the rules. We seek to bring them into the main Regulation. The only addition sought to be made is with regard to adjournment. There may be a doubt as to whether anybody has the power to adjourn election. Elections at present are to be held in Chingam and Kanni. The proviso newly introduced gives power to Government for sufficient cause to direct or permit the holding of any ordinary election after the end of Kanni.

President.—The object intended to be obtained is this:—First that, though the law says that elections should be held in Chingam and Kanni, Government is at liberty to allow it to be held after Kanni.

Mr. K. Achyuta Menon.—The court has power to issue an interim injunction to stop the election.

President.—Whatever may be the period during which a Council might sit, his term closes with the close of the Council, even though he might not have sat three years.

Mr. K. Achyuta Menon.—For instance, in the new Council, whether the members began to sit from 1st Vrischigam 1103 or later, because the election was held only in Dhanu 1103, the term must expire on 1st Vrischigam 1106. To attain that uniformity and to provide for cases for adjournment, these amendments are introduced.

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Mr. A. Sankara Puduval.—May I know why this Regulation is made to have a retrospective effect?

Mr. K. Achyuta Menon.—In connection with the Mattancheri Municipal Council, where the election was held, the last election was not held in time. To enable the holding of an election in Chingam or Kanni 1103 an urgent piece of legislation has been passed under section 15 of the Legislative Council Regulation. That will be in force only for 6 months.

President.—This contingency arose in Mattancheri only?

Mr. K. Achyuta Menon.—Yes, Sir.

President.—In our Municipality has any such case arisen?

Mr. K. Achyuta Menon.—No, Sir.

President.—Then there was a question of adjournment of some election. It is to meet that difficulty this amendment is given a retrospective effect.

Mr. A. Sankara Puduval.—My party supports the motion.

Mr. A. B. Salem.—May I know on a point of information whether any doubt arose that an election cannot be adjourned? I think it was otherwise.

President.—The Regulation says that the election must be held in Chingam or Kanni. To remove all doubts in the matter, it may be held after Kanni.

Mr. A. B. Salem.—In the opening speech the Hon'ble Member said that there were some doubts as to whether Government can adjourn an election. I wish to know from which quarter that doubt arose.

Mr. K. Achyuta Menon.—I know it, and the learned Member himself knows it. The learned Member had a case in the Chief Court regarding the power of Government to adjourn an election.

President.—You argued for three days.

Mr. A. B. Salem.—Yes, I argued.

President.—An argument coming from you is throwing a doubt.

Mr. A. B. Salem.—Here, in a question, it was answered that the Government has the power to adjourn an election, and then the Government had no doubt. Now I want to know from which quarter the doubt arose to initiate this legislation. If it was my doubt then I take it as a compliment.

President.—The Government still entertain no doubt, and if there is any room for doubt, it will be removed.

Mr. A. B. Salem.—The doubt has been expressed.

Mr. K. Achyuta Menon.—'Two years' may be changed into 'three years' in the Objects and Reasons.

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(*The motion that the Bill be read in Council was put and carried.*)

The Secretary to the Council.—The title of the Bill is 'A Bill to amend the Cochin Municipal Regulation'.

Mr. K. Achyuta Menon.—I request that the rule of 15 days may be suspended.

President.—The rule is suspended.

Mr. K. Achyuta Menon.—Sir, I beg to move that the Bill to amend the Cochin Municipal Regulation be taken into consideration at once.

Mr. T. K. Krishna Menon.—I second it.

(*The motion that the Bill be taken into consideration at once was put to the vote and carried.*)

President.—I submit the Bill to amend the Cochin Municipal Regulation, clause by clause, for the consideration of the House.

Clause No. 1.—"This Regulation may be called "The Cochin Municipal (Amendment) Regulation..of 110 ",and it shall come into force at once".

(*The motion that the above clause shall form part of the Bill was put and carried.*)

President.—*Clause 2.*—"After section 6 and before section 7 of the Cochin Municipal Regulation, XI of 1096, add the following as section 6—A."

Mr. A. Sankara Puduval.—In the original note is it "elective seat" or "elected seat"?

Mr. K. Achyuta Menon.—In the British Regulation it is 'term of elected councillors and filling up of elected seats'.

President.—We shall go in line with the laws of the British Government.

(*Clause 2 was put to the vote and carried.*)

President.—The sub-clauses 1, 2, 3, 4 and 5 run as follows.—

1. "The term of office of elected councillors shall, save as otherwise expressly provided, begin and expire at noon on the first day of Vrischigam.

2. "Vacancies arising from efflux of time in the office of an elected councillor shall be filled at ordinary elections, which shall be fixed by the Chairman to take place on such days in the months of Chingam and Kanni next preceding the vacancies as he thinks fit:

"Provided that the Government may, for sufficient cause direct or permit the holding of any ordinary election after the end of Kanni.

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3. "A councillor elected at an ordinary election held after the occurrence of a vacancy shall enter upon office forthwith, but shall hold office only so long as he would have been entitled to hold office, if he had been elected before the occurrence of the vacancy.

4. "A casual vacancy in the office of an elected councillor shall be filled at a casual election which shall be fixed by the Chairman to take place as soon as may be after the occurrence of the vacancy; provided that no casual election shall be held to fill a vacancy occurring within three months before the ordinary date of retirement, and that such vacancy shall be filled at the next ordinary election.

5. "A councillor elected at a casual vacancy shall enter upon office forthwith, but shall hold office, so long only as the councillor in whose place he is elected would have been entitled to hold office, if the vacancy had not occurred".

(*The sub-clauses were put to the vote of the House and carried.*)

President.—Clause 3.—"This Regulation shall have retrospective effect."

(*Clause 3 was put to the vote of the House and carried.*)

President.—Preamble.—"Whereas it is expedient to further amend the Cochin Municipal Regulation XI of 1096, it is hereby enacted as follows.—"

(*The preamble was put to the vote of the House and carried.*)

President.—Now I put the whole Bill to the vote of the House. The question before the House is that the Bill to amend the Cochin Municipal Regulation be passed by the House.

(*The Bill was put to the vote of the House and carried.*)

Mr. K. Achyuta Menon.—I beg to move that the Bill to amend the Cochin Municipal Regulation be taken up and passed on Friday, the 19th of Kumbham 1103.

Mr. T. K. Krishna Menon.—I second it.

President.—The question before the House is that the Bill to amend the Cochin Municipal Regulation be taken up and passed at the meeting of the Council on Friday, the 19th Kumbham 1103.

(*The motion was put to the vote of the House and carried.*)

Demand for Supplementary Grant.

President.—The next item is the supplementary grant by the Education Member.

Rao Sahib Mr. C. Matthai.—Sir, I beg to move for an additional grant of Rs. 10,000, for the Primary education of the

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